



**Permanent Mission of Ukraine**  
to the International  
Organizations in Vienna

## **Statement on Russia's ongoing aggression against Ukraine and illegal occupation of Crimea**

As delivered by Ambassador Yevhenii Tsymbaliuk,  
Permanent Representative of Ukraine to the International Organizations in Vienna,  
to the 1340<sup>th</sup> meeting of the Permanent Council  
21 October 2021

### **Madam Chairperson,**

The latest developments in the zone of the Russian-Ukrainian conflict have demonstrated how the security situation and peace process are fragile due to the disruptive position of the Russian Federation, its endless attempts to impose a so-called 'direct dialogue' as well as because of the lack of political will in Moscow to implement the Minsk agreements as a signatory and a party to the conflict.

Over these days Ukrainian armed forces were shelled near Novozvanivka, Avdiivka, Novotoshkivske, Lebedynske, Hranitne, Lopaskyno, Katerynivka, Vodiane, including with the use of Minsk-proscribed (82mm and 120mm) mortars.

Especially, we are concerned about the fact that the disengagement areas near Zolote and Petrivske are turning into the hotspots. As the SMM reported, between the evenings of 15 and 17 October, 734 ceasefire violations were recorded in the Donetsk region. The majority of ceasefire violations occurred inside and near the Petrivske disengagement area. In Luhansk region the SMM recorded 78 ceasefire violations over the same period. The majority of ceasefire violations also affected the disengagement area near Zolote.

In parallel, Russia continues its reconnaissance activity. Last week a Russian UAV was intercepted on the contact line. This UAV is a combat drone "Granat-1", which is Russian-produced and used for the fire adjustment. Russian UAVs "Orlan-10" continue their flights through the contact line as well.

Furthermore, on 13 October a group of three men, deceitfully declared as a demining group, with armbands "JCCC", carried out the reconnaissance of the former positions of the Ukrainian Armed Forces in Zolote disengagement area. This is a vivid example how Russia treacherously abuses security guarantees provided by Ukraine as well as how mechanisms, which were primarily developed to facilitate the ceasefire, are misused to cover Russian illegal activities in the region.

This was also a gross violation of additional measures to strengthen the ceasefire of 22 July 2020, which prohibit offensive, reconnaissance and sabotage operations.

After numerous demands to stop the violation, one of the members of the group, armed with a loaded weapon, was detained. As it was further established, the detainee participated in combat operations against the Ukrainian Armed Forces since 2014.

So, is it how the Russian armed formations respect the additional measures to strengthen the ceasefire regime?

No wonder, that Moscow invents groundless accusations in order to clear itself. However, the recent comment by the Russian Foreign Ministry is revealing in many aspects. One is the confession about the Russian involvement into the conflict. It is

something known to all in this Council but denied by the Russian delegation for a long time. The acknowledgment of the responsibility of the Russian leadership for the aggression would be next much welcomed step. However, it also reveals the true intentions behind the passportization, which is to be a “smoking screen” for the Russian regular troops and to be used as a justification for the new acts of aggression against Ukraine’s sovereignty.

And in order to preempt Russia’s accusations, I would like to stress that Ukraine remains committed to the Minsk agreements and is ready to discuss with Russia further steps for a peaceful settlement of the conflict within the TCG as well as in the N4 format.

Let me stress: the TCG, as is well known from the very first sentence of the Minsk Protocol of 5 September 2014, consists of Ukraine, the Russian Federation and the OSCE. There are no other sides. As well as the JCCC consists of the representative of Ukraine and the Russian Federation, as it was set up according to a bilateral arrangement between military authorities of Ukraine and the Russian Federation in 2014 after the Minsk protocol was signed.

Furthermore, in attempts to legitimize its occupation administrations the Russian side has overstepped the bounds of common sense.

Forceful holding of the SMM monitors in hotels in Horlivka and Donetsk is both shocking and unacceptable violation of the Mission’s mandate and the Minsk agreements Russia signed. Well-organized gathering in front of the Donetsk hotel shows that it was a pre-planned event.

There can be no justifications for the intimidation and provocations against the SMM monitors. Their safety, immunities and privileges must be fully respected.

However, let’s be honest, what we have seen these days in occupied Horlivka and Donetsk is nothing else but the continuation of Russia’s systematic policy to marginalize the OSCE and blind the SMM in the region.

In this light, it is important to recall that in September Russia effectively terminated the BOM mandate. And with artificial COVID related restrictions still in place, SMM continues to operate as separate entities in the Donetsk and Luhansk regions; Mission’s patrols are systematically denied of access to the border areas and BCPs, while OSCE UAVs are jammed. And this is not to mention security check of the SMM monitors or recent faux mining of the SMM premises in Luhansk, or impediments the Mission faces when visiting educational and medical facilities in the occupied territories to corroborate reports of damage or casualties.

In numbers, this amounts to over 90% of all restrictions to SMM activities. The goal is clear – to hide the transfer of weapons, ammunition and troops from Russia to Ukraine.

We call on Russia to strictly fulfil its obligations and, in particular, stop provocations against international monitors of the OSCE Mission, unblock their movement, ensure unimpeded access to the temporarily occupied territories in Donetsk and Luhansk regions and guarantee security and safety of the mission.

We also call on Russia to provide necessary guarantees for the opening of new forward patrol basis as well as to ensure permanent monitoring of the border and its verification by the OSCE as envisaged by the Minsk agreements.

### **Excellencies,**

The situation in temporarily occupied Crimea is also extremely worrying.

This time Russia intends to legitimize the demographic changes on the peninsula, by conducting all-Russian census in the temporarily occupied territory. We condemn this another aggressive act against Ukraine’s sovereignty.

In accordance with the UN GA resolution 68/262, the so-called “referendum” on the peninsula, held by the Russian occupation administration on 16 March, 2014, is null and void and cannot be the basis for any change of status of the Autonomous Republic of Crimea or of the city of Sevastopol, including to serve as a basis for the census.

Regretfully, however, all Russia's legitimization efforts are accompanied with heinous repressions against disloyal and dissenting voice. Tortures, inhuman and degrading treatment are applied to that end.

As I informed at the last PC meeting, Nariman Dzhelyal is forced to undergo so-called "psychological and psychiatric examination".

This is yet another example of Russia's continued widespread use of punitive psychiatry against Crimeans who oppose the occupation.

According to the Crimean Human Rights Group, at least 49 political cases were recorded of transferring Crimeans for forcible examination in a psychiatric hospital.

The very first case was the case of Ilmi Umerov in August 2016. Later, he described his forcible staying in the hospital as one continuous torture.

Despite the outbreak of COVID pandemic, Russia has launched already the 13<sup>th</sup> illegal conscription campaign. About 3 000 persons are to be drafted. This is violation of both obligations of the occupying Power – not to draft the protected population and to use every means to protect the public health of the population under occupation.

It is also a tool for encouraging demographic change on the peninsula. Those who don't want to serve in the occupation army and don't want to be prosecuted for the draft evasion, they have no other choice but to flee from the peninsula.

### **Excellencies,**

For many years Russia has been displaying in every possible way its disrespect for the norms and principles of international law. Such an attitude is based on Russia's self-assured confidence in its total impunity. The only way to change this mistaken assumption is to prove the rule of law over the rule of power.

Last week, on 15 October 2021, the Arbitral Tribunal concluded the hearing on the Russian Federation's preliminary objections in the case concerning the Detention of Ukrainian naval vessels and servicemen in the Black Sea on their way to the Sea of Azov in 2018. This case is about the integrity of international law in general, as the fundamental principle of warships immunity has been questioned by Russia.

Also, last week Ukraine's General Prosecutor Office sent two information memorandums to the International Criminal Court. One of them concerns inhuman treatment of the Ukrainian servicemen by the Russian armed formations that falls under the definition of war crimes.

The second one goes about the destruction of civilian infrastructure, namely bridges, in the Donetsk and Luhansk regions. It contains information about 43 incidents committed from May 2014 to January 2019.

As well, these days the International Court of Justice has appointed a second round of written pleadings in the case concerning the violations by the Russian Federation of International convention for the suppression of the financing of terrorism and of the International convention on the elimination of all forms of racial discrimination.

Maybe, the international justice is slow, however, time to pay will definitely come.

So, we urge the Russian Federation to stop its aggression against Ukraine, reverse its illegal occupation of Crimea, de-occupy certain areas of Donetsk and Luhansk regions, and restore freedom of navigation in the Black Sea, through the Kerch Strait and in the Sea of Azov. Russia must fully implement its commitments under the Minsk agreements, including the withdrawal of its armed forces, mercenaries, armed formations, and weapons from the temporarily occupied territories of Ukraine.

**Thank you, Madam Chairperson.**